



**Date:** August 12, 2011

**To:** Thomas J. Bonfield, City Manager  
**Through:** Theodore L. Voorhees, Deputy City Manager  
**From:** Donald F. Greeley, Director, Water Management  
Renee C. Lawrence, Civil Engineer, Water Management  
**Subject:** License Agreement with North Carolina Railroad Company and Norfolk Southern Railway Company for Longitudinal Access for the Hillandale Dual Waterline Replacement Project – Phase II

### **Executive Summary**

The City is proposing to construct a 36 inch potable waterline along West Main Street as part of the Hillandale Dual Waterline Replacement Project – Phase II. The waterline will replace existing 12 inch and 20 inch waterlines that were originally installed in 1887 and 1901, respectively. The project will run from Rutherford Street (west of Erwin Square) to east of Buchanan Boulevard. The proposed waterline will parallel and interconnect to existing distribution waterlines that reside within the North Carolina Railroad (NCRR) Company and the Norfolk Southern Railway (NSR) Company Right-Of-Way (ROW). Therefore, in order for the City to complete the proposed work, the City must execute the License Agreement.

### **Recommendation**

The Department of Water Management recommends that the City Council:

Authorize the City Manager to execute the License Agreement with NCRR and NSR for longitudinal access for the proposed installation, maintenance, operation and removal of one 36 inch ductile iron potable water pipeline.

### **Background**

As part of the Water Systems Improvement Project to increase the distribution system's reliability, the City hired the engineering firm Kimley-Horn and Associates, Inc. to design the Hillandale Dual Waterline Replacement Project - Phase II. The project design centers on the installation of 5400 linear feet of 36 inch waterline. The project design also includes various interconnections with existing distribution waterlines that must be rerouted from the existing 12 and 20 inch waterlines that were originally installed in the years 1887 and 1901. Along West Main Street, there are portions of the 12 and 20 inch waterlines that reside within the railroad right-of way and NCDOT right-of-way.

In order to install and connect the new 36 inch water pipeline to existing distribution lines, the City must enter into a license agreement with the NCRR and NSR Companies. Portions of the new 36 inch waterline will remain within the railroad right-of-way once installed and made fully operational. The City's license agreement with NCRR and NSR will also allow the City to decommission and abandon the 12 inch and 20 inch waterlines.

**Issues and Analysis**

Much of the Hillandale Dual Waterline Replacement Project – Phase II resides within the railroad right-of-way or NCDOT right-of-way. There are multiple interconnections that must be transferred to the new 36 inch waterline that will be installed along the north side of West Main Street. Within the railroad right-of-way, the 36 inch waterline will have interconnections that provide potable water to Duke University East Campus and other locations north and south of the railroad.

Another project issue centers on the timing for completion of a portion of this project. The timeline for the installation of the 36 inch pipeline as well as the decommissioning of the existing 12 and 20 inch waterlines is critical to NCDOT plans to replace the Main Street Bridge at Campus Drive. Failure to gain access to do the proposed work may have an adverse impact on NCDOT's project timeline for bridge replacement.

In order to minimize the potential for delays to the City's or NCDOT's projects, the must execute the longitudinal license agreement with NCRR and NSR and submit all fees required to process the license agreement.

**Alternatives**

The only alternative would be to not proceed with the project. Failure to obtain access to complete work within the railroad right-of-way would prevent the installation of the proposed 36 inch waterline and delay the decommissioning of the existing 12 and 20 inch waterlines.

**Financial Impact**

The cost to process the license agreement is \$ 31,552.27. There are currently funds available for this agreement in the 4100P761-730300-P0BB3.

**SDBE Summary**

This is a pipeline longitudinal license agreement. This was not reviewed for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

**Attachments**

License Agreement and Maps